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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,289	01/22/2002	Yutaka Nakata	045237-0103	4765

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WASHINGTON, DC 20007

EXAMINER
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TSIDULKO, MARK

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/051,289

Applicant(s)

NAKATA, YUTAKA

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

Claims **5-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The expressions “**or/and**” are alternative and render the claim indefinite

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Strobel et al. (U.S. 5,204,820) in view of Bertling et al. (U.S. 5,440,456).

Referring to Claims **1, 3, 4** Strobel et al. disclose (Fig.1) a lamp device for vehicle having a light source [3], a reflector [1] in which a reflection surface is Bezier (or B-spline) surface (Abstract). Strobel et al. also disclose that a reflected light irradiates to an external section in accordance with a target light distribution pattern (Abstract, lines 3-6).

Strobel et al. disclose the instant claimed inventions except for: a lens having no prism and formed in a recess shape in a vertical and horizontal cross sections.

Bertling et al. disclose a lens [28] having no prism and formed in a recess shape in a vertical and horizontal cross sections. Since vertical and horizontal cross sections of the lens are formed in the

Art Unit: 2875

recess shape, the light is largely refracted by the lens. As result, it is possible to construct the headlamp having small light generation and large illumination intensity distribution..

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lens of Bertling et al. for the lamp device of Strobel et al. in order to use a small light generation and obtain a large illumination intensity distribution for the headlight.

Referring to Claim 2 Strobel et al. disclose the instant claimed inventions except for: reflector surface of the reflector is structured such that the vertical cross section and horizontal cross section are formed in a oval surface larger than the lens.

Bertling et al. disclose (Fig.1) a lamp device wherein the reflection surface of reflector is structured such that the vertical cross section and the horizontal cross section formed in a substantially oval surface larger then curved surface of the lens.

This structure allows the light concentrate on a point close to the optical axis and obtain the light flux with bigger density. The result is improved visibility of a road surface ahead of the vehicle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure of Bertling et al. for device of Strobel et al. for purpose of transmitting reflected light to an external section with a desired light distribution.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strobel et al. and Bertling et al. as applied to claim 1 above, and further in view of Kusagaya (US 2001/0043474).

Strobel et al. and Bertling et al. disclose the instant claimed inventions except for: a torus curved surface is formed on a front surface of the lens.

Art Unit: 2875

Kusagaya discloses (Fig.2) a vehicle headlamp with a lens [28] having a torus curved front surface. This lens allows the light reflected from the reflective surface of the reflector to concentrate on a point close to the optical axis of the headlamp (page2, [0042]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lens having torus curved surface on a front as shown by Kusagaya for the headlamp of Strobel et al. and Bertling et al. in order to concentrate the light on the point close to the optical axis of the headlamp.

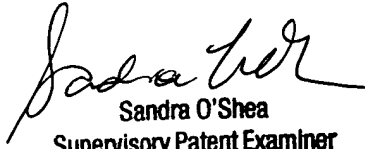
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.  
October 30, 2002

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800